

**West Mojave Plan
Steering Committee Meeting
July 11, 2000
Green Tree Inn, Victorville**

Attendees

Steering Committee Members: Jeri Ferguson, Ileene Anderson, Peter Kiriakos, Ramon Mendoza, Cheryl Tubbs (for Gene Kuleza), Becky Jones, Ray Bransfield, Alan Pickard, Jeanette Hayhurst, Lisa Northrup (for Randy Scott), Lorelei Oviatt, Mark Hagan, Tim Read, Michael Connor, Hector Villalobos.

Other Attendees: Paul Condon (California City), John Hammel (DOI), Bob Rudnick, Marie Brashear (at 1:00 PM), Tom Bilhorn (at 1:00 PM)

West Mojave Team Staff: Bill Haigh, Chuck Bell, Valery Pilmer, Larry LaPre, Ed LaRue

Introduction:

Bill Haigh opened the meeting and presented a proposed agenda as follows

- BTA - Biological Transition Areas
- Recreation Subcommittee
- Minerals Subcommittee

Jeanette Hayhurst requested that the committee also discuss what the task groups will be receiving from the Steering Committee and when they will get it.

Biological Transition Areas:

Ed LaRue indicated that he was given the task of mapping out the proposed Biological Transition Areas (BTAs). Since he was not at the last Steering Committee meeting, he personally contacted each Steering Committee member to ascertain the appropriate criteria for establishing the BTAs and what the intended function should be. A handout titled "Rationale for Biological Transition Areas" outlined those conversations and the historical evolution of the concept, provided definitions of terms, and described the areas mapped by LaRue as BTA's. He indicated that although Randy Scott's (San Bernardino County) original conception of BTAs consisted of a mile-wide buffer to provide protection for the Desert Wildlife Management Areas (DWMA) established for the tortoise, the Steering Committee, on June 12, 2000, agreed to broaden the BTA concept to include areas where high tortoise density exists. Therefore, he suggested that two areas not contiguous to any tortoise DWMA be designated as BTA's: the Brisbane Valley and Copper Mountain Mesa. These were referred to during later discussions as *stand alone areas*. LaRue discussed each of the proposed areas as contained within the handout and showed their location on a map.

Following LaRue's presentation, Bill Haigh launched the group into a discussion of BTAs which lasted most of the morning. The following issues were raised during this discussion:

- **What is the function of BTAs: To provide protection for individual animals as development occurs (take avoidance)? Or to protect tortoise habitat?** Some members believed that BTAs should be structured to allow for incidental take with the application of take avoidance measures, rather than as areas for long-term tortoise conservation. Lorelei Oviatt and Lisa Northrup noted that the original BTA concept presented by the counties proposed that BTAs be located next to tortoise DWMA's; a project to be sited within a BTA would receive a special review to ensure that it would not degrade the integrity of the adjacent tortoise DWMA. Jeanette Hayhurst pointed out that the focus should be on saving individual animals rather than on preserving BTA habitat. Oviatt and Northrup reminded the group that the original concept did not envision "stand alone" areas. Concern was expressed that designating stand alone areas (Brisbane Valley and Copper Mountain Mesa) would imply that these areas would be conserved as future habitat.

Other Steering Committee members felt that additional protection measures and habitat conservation should apply to the BTAs since Managed Use Areas (recommended by the Evaluation Report) would not be designated. Peter Kiriakos stated that if an area has a viable tortoise population, that population should be managed. He indicated that the Sierra Club is taking a strong stand against the loss of viable populations. He felt this is enough of an issue to be a crisis to the Plan and emphatically stated that this is not acceptable to the Sierra Club. He favored the purchase of land within the tortoise DWMA's by the federal government, and suggested that cities and counties purchase land elsewhere.

Bill Haigh then polled the group as to whether BTAs *adjacent to tortoise DWMA's* should be considered special project review areas or habitat conservation areas. Nine members said special project review areas (including Ray Bransfield, United States Fish and Wildlife Service (USFWS)) and four said habitat conservation areas. California Department of Fish and Game (CDFG) representatives felt both definitions should apply, so that jurisdictions could have a degree of flexibility in determining whether a project would degrade a tortoise DWMA. Bransfield felt that the case-by-case project reviews required within BTAs would provide the flexibility sought by CDFG. He further indicated that if development is proposed in areas considered important for species conservation, land could be acquired.

Lorelei Oviatt stated that the BTAs could be considered a safety valve in the event the DWMA's are insufficient.

- **Are the tortoise DWMA's large enough to ensure recovery?** Some on the Committee

expressed concerns that the tortoise DWMAs, by themselves, are not sufficient to ensure tortoise recovery; therefore, the BTAs are an essential component of the conservation strategy that will allow management flexibility. They believed this because the Managed Use Areas are no longer proposed, leaving fewer opportunities for adjustments of the Plan in the future. Some recommended incorporating the BTAs into the tortoise DWMAs, while others suggested that adjustments in boundaries between tortoise DWMAs and BTAs could occur as the plan is evaluated over time (since it will be at least 10 years before the effectiveness of the preserve design can be evaluated). It was pointed out that the BTAs, as now proposed, consist of considerably more than a 1 mile buffer around the tortoise DWMAs.

Ray Bransfield, USFWS, indicated that the DWMAs already encompass about 99% of the realistically available habitat. He stated that the DWMAs are big enough to do the job, and that it is more important for the process to move forward -- to implement a plan as soon as possible -- than to get bogged down in arguments over boundaries. He agreed that areas of high tortoise numbers (as shown in the BTAs) should have a higher level of review when development occurs. Becky Jones, CDFG, noted that the size of the DWMAs follows the Recovery Plan to the extent possible. She felt that compromises have already been made and what we have now is pretty much the minimum we need to look at.

- **Should zoning be used as a management tool for tortoises in the BTAs?** Peter Kiriakos suggested that through zoning, much of the BTA area could remain untouched. He preferred this to “pay and go”. Ed LaRue also asked whether existing zoning for the life of the plan would be workable. Lorelei Oviatt indicated that such a requirement would be a “deal killer”. She did not feel that the county could compromise on the zoning issue. Kiriakos indicated that acquisition of properties within BTAs could be a substitute. Oviatt agreed that BTA lands could be identified as areas for acquisition. Mike Connor suggested that projects within BTAs pay fees to acquire other lands within the BTA.
- **Should the Steering Committee wait and deal with the BTA issue until after the other species evaluations are complete?** Several committee members expressed concern that the conservation strategies for other species were not being considered in the context of this discussion. Alan Pickard (CDFG) felt that a final decision on BTAs had to take into account the conservation strategies to be adopted for other species. Mike Connor agreed, and expressed concern that we’re not evaluating the plan as a multi-species plan. He also proposed including the Mohave ground squirrel (MGS) conservation area as part of the BTA. Connor was concerned that allowing jurisdictions to “opt out” on a species basis could affect the integrity of the plan.
- **How would BTA’s be managed on Bureau of Land Management (BLM) lands?** Tim Read and others had questions regarding the management of public lands within the BTAs. Mike Connor asked if there is discomfort if BLM land is included within the

BTAs. He asked for more discussion regarding BLM lands adjacent to DWMAs and wanted to know how the BLM's land tenure adjustment program will interface with this.

The committee members agreed to break for lunch in order to caucus with others and consider the issues discussed.

Lunch break occurred at 12:05 PM. The Committee reconvened at 1:20 PM.

When the group reconvened, Bill Haigh asked the wildlife agency representatives for input on the BTA issue. Ray Bransfield, USFWS, believed that the DWMA map as proposed is a good map for the tortoise; a final decision regarding BTA boundaries should take into account the evaluation report's recommendations for other species, including the Mohave ground squirrel and the plants (to be completed by early September). He indicated that you can't be absolutely certain as to what is enough: you can only go by the best information you have at the time. Alan Pickard, CDFG, was of the opinion that the tortoise DWMAs as mapped are big enough. He agreed that special biological reviews should be conducted for projects within BTAs which could effect the tortoise DWMAs, although he noted that we have yet to determine the sort of projects which may cause such effects.

Mike Connor asked about the future of currently designated critical tortoise habitat on the military bases. Mark Hagan responded that critical habitat is designated by USFWS, and the Service would decide whether to retain critical habitat designations on the bases. Ray Bransfield indicated that he expected those designations to be retained. Hagan also stated that the bases, at a minimum, are managing their lands in conformance with existing biological opinions and (where completed) their Integrated Natural Resource Management Plans (INRMPs). Some bases are in the process of developing INRMPs, the biological portions of which must (by regulation) be reviewed and approved by USFWS and CDFG. Hagan noted that INRMPs are circulated for public review and comment.

Bill Haigh outlined a concept for the BTA: special reviews would be required for projects on private land to ensure they don't harm the tortoise DWMA's; public lands would be managed as BLM multiple use class L. Ray Bransfield asked that the special review include a review by the West Mojave implementation team.

Bill Haigh asked whether there was consensus regarding the following: **That the tortoise DWMA's are sufficient in size (assuming critical habitat designations remain on the military bases), and that the concept of establishing BTAs adjacent to Tortoise DWMAs has merit to protect the integrity of the tortoise DWMA. THERE WAS CONSENSUS REGARDING THIS CONCEPT.** Peter Kiriakos stated that his agreement was contingent upon the details of BTA management. He indicated that if those details include conservation through the permitting process, he could buy into the concept.

Bill Haigh next focused the discussion on the stand alone BTAs (Brisbane Valley and

Copper Mountain Mesa). Ray Bransfield recommended that take avoidance measures similar to those outlined for the tortoise DWMA be implemented in the two stand alone BTAs. This would be consistent with USFWS's mandate to minimize and mitigate take in connection with a section 10a incidental take permit. Tim Read indicated that BLM cannot manage these stand alone BTAs as BLM multiple use class L: land tenure adjustment program disposal commitments affect the Brisbane Valley, and Copper Mountain Mesa's land ownership pattern is too fragmented and complex. Ray Bransfield recommended that the BLM manage these areas as BLM Category 3 desert tortoise habitat. This seemed to be acceptable. Lorelei Oviatt stated that the stand alone BTAs should be named differently. She suggested Specialty Area or Special Review Area. **THE GROUP AGREED TO CALL THE STAND ALONE AREAS "SPECIAL REVIEW AREAS" AND TO MANAGE PUBLIC LANDS AS BLM CATEGORY 3 DESERT TORTOISE HABITAT.**

Bill Haigh asked whether we could use Ed LaRue's proposed boundaries for the BTAs. Mike Connor was concerned about the omission of Mohave ground squirrel areas in the BTA's as he wants to see tortoise take avoidance measures in place for these areas. Bill Haigh and Alan Pickard indicate that the MGS strategy will be brought to the Steering Committee at the next meeting. Bill Haigh noted that the MGS prescriptions are similar to the tortoise prescriptions. Tim Read felt that the BTAs should not include any land within the BLM's El Mirage project area. **THE COMMITTEE MEMBERS DECIDED TO ADOPT LARUE'S PROPOSED BTAS (EXCLUDING EL MIRAGE) AS "WORKING DRAFT" BTA BOUNDARIES, AND ADDING THEM TO THE "BLUE BLOB" MAP.**

LaRue also suggested that two additional tortoise DWMA boundary modifications be adopted. Jeri Ferguson stated that since Task Group 1 developed the proposed tortoise DWMA boundary, the Steering Committee could not take a unilateral action and adopt LaRue's recommended adjustments; instead, Task Group 1 should review the proposal. Peter Kiriakos indicated that by not including additional areas in the tortoise DWMA now, staff would have time to review them for potential mining claims and OHV use. Lisa Northrup stated that she would need to see a written biological basis for including additional areas within the tortoise DWMA's. **THE COMMITTEE DECIDED THAT THE ISSUE OF TORTOISE DWMA BOUNDARY CHANGES SHOULD BE REFERRED TO TASK GROUP 1.**

Members felt it would help to review the proposed BTA's and Special Review areas in conjunction with other areas set aside for conservation. They indicated that they would like time to review the proposed mapping of the BTAs and Special Review Areas prior to making additional recommendations. **Staff will prepare maps of BTAs and Special Review Areas and provide them to the Committee prior to the next Committee meeting. Members will review the maps and tortoise take avoidance measures prior to the next meeting.**

Subcommittee Reports

Bill Haigh indicated that the Recreation Subcommittee has completed it's work, and a handout was provided. The Minerals Subcommittee is about ½ completed.

Next Meeting Date

Bill Haigh indicated that July 26th or 27th did not work for Task Group 1 as the next meeting date for that group. **The Task Group 1 meeting will be held on August 9th at 9:30 AM at the Green Tree Inn.** Steering Committee recommendations and subcommittee reports (Recreation, Minerals, Agriculture, Cattle Grazing) will be presented to the Task Group on August 9, 2000.

The next Steering Committee date is September 13th at 9:30 AM at the Green Tree Inn.